

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-24681-2023

Date of decision: 08.08.2023

Jagtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Karambir Singh Kahlon, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.05 dated 20.01.2018 under Sections 307, 325, 323, 341, 427, 379, 380, 506, 148 and 149 of the IPC and Sections 25/29 of the Arms Act, 1959 registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

2. On the last date of hearing i.e. 16.05.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court had directed the petitioner to appear and surrender before the Trial Court on 05.07.2023:-

“Learned counsel inter alia contends that during investigation the petitioner was found innocent, and thus, he was placed in column No.2 along with the other accused. He was, however, subsequently summoned under Section 319 Cr.P.C. to face trial as an additional accused, therefore, now there was a genuine apprehension on his part that he could be arrested and sent to custody as and when he appeared on the next date fixed before the trial Court i.e. 05.07.2023. Learned counsel has further submitted that in the above facts and circumstances, custodial interrogation of the petitioner would not serve

any useful purpose, more so, when no specific role much less injury had been attributed to him in the occurrence in question.”

3. Learned counsel for the petitioner submits that in compliance of order dated 16.05.2023, the petitioner has appeared and surrendered before the Trial Court and has been granted bail vide order dated 05.07.2023. In support, he has placed a copy of the said order passed by learned Additional Sessions Judge, Gurdaspur.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having appeared and surrendered before the Trial Court and thereafter admitted to bail.

5. In view of the above, the petition is allowed and interim order dated 16.05.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

08.08.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No